

## WATER COUNCIL MEETING

Dept. of Environmental Services  
29 Hazen Dr., Concord, N.H.

July 9, 2008  
9:00 a.m.

**Members present:** Chairman Bridges, Vice Chairman Christie, Councilors Bradley, Butler, Cowan, Czysz, Decker, Densberger, Lussier, Lyons, Phillips, Rastallis, and Varotsis

**Members absent:** Councilors Barrett, Dupee, and Rawnsley

Chairman Bridges called the meeting to order at 9:06 a.m.

### 1. Approval of Minutes of May 14, 2008 Meeting

***A motion was made by Councilor Bradley to accept the minutes of May 14, 2008, second by Councilor Lussier. The Council unanimously voted to approve this motion.***

### 2. Approval of State Aid Grants

Steve Snell of the Wastewater Engineering Bureau requested approval of eight new state aid grants as set forth in a memo from Bureau Administrator Paul Heirtzler, P.E. to Harry T. Stewart, P.E., Director, Water Division dated June 30, 2008.

***Councilor Varotsis moved to approve the grants and recommend favorable action by the Governor and Executive Council by adoption of the following resolution in its entirety. Councilor Bradley seconded the motion and it was unanimously approved.***

WHEREAS, the following municipalities have applied to the Department of Environmental services, under the provisions of RSA 486, for grants in the amounts listed to aid in the defraying of the costs resulting from the construction of sewage disposal facilities, as defined in said Chapter:

<u>Municipality</u>	<u>Proj. No.</u>	<u>Project Description</u>	<u>Amount</u>
Town of Seabrook	C-768	Dechlorination and SCADA I Improvements	\$ 42,383
City of Lebanon	C-769	Wastewater Treatment Facility Upgrade	541,973
Town of Hanover	C-770	Chlorination/Dechlorination and Outfall Extension	794,750
Town of Henniker	C-771	WWTF Improvements Project	227,805
City of Dover	C-772	Varney Brook Pump Station Force Main Repl. & Chemical Feed System	229,873
City of Rochester	C-773	Rochester Hill Road Sewer	145,873
Town of Meredith	C-774	Infiltration / Inflow Analysis	7,872
City of Rochester	C-775	Chestnut Hill Road Sewer	236,412

WHEREAS, The Department of Environmental Services has examined said applications as to the eligibility of the construction costs for a State contribution; and

WHEREAS, The Water Council finds that the said projects are intended to control or reduce pollution in the surface waters of the State, as defined in RSA 485-A.

NOW THEREFORE, The Water Council finds that all of the provisions of RSA 486 have been met by said applicants, and respectfully recommends that the Governor and Executive Council approve said grants and authorize payment thereof through the Department of Environmental Services, as provided for in said Chapter.

It was noted that this was Steve Snell's last meeting as he is retiring this month. The Council wished him good luck and good health.

#### **4. Other Business**

Vice Chairman Christie gave kudos to DES for their Drinking Water Protection Workshop. She found it to be a helpful and excellent day, well worth the attendance.

She also shared the Economic Study – Phase IV brochure. Brochures were handed out to other councilors.

It was also noted the Surface Water Quality Standards stakeholder group has reconvened.

#### **3. Status of Appeals**

Amy Samson, Appeals Clerk, presented an update on a number of appeals and requested Council action on several, as noted below.

- **Docket No. 08-30 WC – David Hoyt Appeal**

The Appeal was received on July 2, 2008. It had not been distributed to the Council prior to the meeting .

***A motion was made by Councilor Cowan to table this Appeal until the next meeting to allow time to review the document, second by Councilor Bradley. The Motion was unanimously approved.***

- **Docket No. 08-27 WC – Moody Point Company**

The Appeal was received on June 18, 2008.

***A motion was made by Councilor Cowan to accept this Appeal, second by Councilor Densberger. The Motion was unanimously approved.***

Vice Chair Christie will be the Pre Hearing Officer.

- **Docket No. 08-25 WC – Kenneth R. Ivister**

The Appeal was received on May 27, 2008.

Discussion was held as to appeals in-hand or pending that may now be heard by the Wetlands Council due to the change of law on July 1, 2008. Attorney Blenkinsop will report back as to the Attorney General's legal interpretation.

***A motion was made by Councilor Cowan to accept this appeal, second by Councilor Lussier. After discussion the Motion was unanimously approved.***

Presiding Officer will be Ray Cowan.

- **Docket No. 08-21 WC – Susan Yousseff Appeal**

Appeal was received on April 21, 2008. On May 14, 2008 the Appeal was tabled.

***A motion was made by Councilor Cowan to accept this Appeal, second by Councilor Lussier. After discussion the Motion was unanimously approved.***

- **Docket No. 08-19 WC – Frank Faticanti Appeal**

The Appeal was accepted on May 14, 2008.

Presiding Officer is Barry Lussier.

- **Docket No. 07-29 WC – Andrew and Karen Goldstein**

A Hearing is scheduled for August 13, 2008 at 10 A.M. Presiding Officer is Councilor Butler. A Pre-Hearing phone conference will be scheduled to come to an agreement on set time limits for the attorney's presentations.

- **Docket No. 03-14 WC – Gerald A. Bell Appeal**

Stayed pending court action.

- **Docket No. 07-04 WC - Gerald A. Bell Appeal**

Council accepted the State's Motion to Continue on December 12, 2007. Appellant filed an Amended Appeal on April 15, 2008. A Supreme Court Decision has been received.

Attorney Blenkinsop shared the Supreme Court decision was issued some months ago. It was advised to let all the parties know the appeals had been tabled pending the Supreme Court's decision. As the decision has come down, at the next meeting this matter will be addressed and moved forward. The appeals will either be withdrawn or hearings will be scheduled.

***Councilor Bradley made a motion to contact the 2 opposing counsels for 07-04 and 03-14 and notify them that we are going to take them off the table and their response would be appreciated. Second by Councilor Lussier. Motion was passed unanimously.***  
***Councilor Butler made the motion to accept the 07-04 amended appeal. Second by Councilor Varotsis. Motion passed unanimously.***

***Councilor Phillips made a motion to schedule the hearing in September. Second by Councilor Bradley. Motion passed unanimously.***

- **Docket No. 04-05 WC - Freudenburg-NOK General Partnership Appeal**

A letter has been received from Attorney Lazos asking for the Appeal to be held open indefinitely.

***Councilor Densberger made a motion to continue to Table for 6 months and notify the parties that we are not accepting an indefinite postponement. Second by Councilor Lussier. Motion passed unanimously.***

The letter is to notify them that it is going to be on the Council's agenda in 6 months and if they fail to update the Council appropriate steps will be taken.

- **Docket No. 04-18 WC - Thaddeus Dymon Appeal**

A letter was attached to the Status Report that was received from Attorney Fulton indicating that Mr. Dymon is now being represented by a new attorney. A letter will be sent to the new attorney for a request of status.

- **Docket No. 04-19 WC - Town of Newport Appeal**

A letter was attached to the Status Report that was received from Attorney Fulton indicating there is new counsel. A letter will be sent to the new attorney for a request of status.

- **Docket No. 06-13 WC - Shane Forest Appeal**

New counsel has been retained by Mr. Forest and status will be given next month.

- **Docket No. 07-05 WC - RRJ Properties LP Appeal**

Letter was received on June 5, 2008 that appeal is withdrawn.

- **Docket No. 07-11 WC William and Melissa Brouck**

Motion to Stay Proceedings was granted. A letter was sent requesting status. A withdrawal has not yet been received.

- **Docket No. 08-06 WC – Marlene and Jerry Schultz Appeal**

At the Pre-Hearing Conference on May 19, 2008 a 30 day stay was granted.

- **Docket No. 08-14 WC – MerNia Appeal**

Appeal was withdrawn on June 20, 2008.

- **Docket No. 08-15 WC – Ronald E. Gocht Appeal**

At the Pre-Hearing Conference on June 9, 2008 a 90 day stay was granted.

**6. Other Business**

Director Stewart reported that the Winnepesaukee River Basin Program has a new administrator, Sharon McMillin. There is much planning going on and a presentation could be given in the future.

**7. Next Meeting**

The next meeting is scheduled for August 13, 2008.

**8. Adjournment**

***A motion was made by Councilor Densberger to adjourn. The motion was seconded by Councilor Lussier and unanimously approved.***

***Meeting was adjourned at 10:14 AM.***